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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,441	03/16/2000	Kamran Ahmed	10442-4"US" JA/mb	2595
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OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			EXAMINER BRIER, JEFFERY A	
			ART UNIT	PAPER NUMBER
			2672	30

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/526,441

Applicant(s)

AHMED, KAMRAN

Examiner

Jeffery A Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/30/04 has been entered.
2. The request did NOT request to have the 12/08/2003 after final amendment entered, therefore, it has not been entered. Thus, Figure 6, the change to the paragraph found at page 10 line 13 and the amendments to claims 17 and 18 presented in that amendment have not been entered.

Response to Amendment

3. No amendments have been made in this 4/30/2004 response.

37 CFR 1.131 Declarations

4. The 37 CFR 1.131 declarations filed on 04/30/2004 by Lahaise, Ahmed, Wood, Pilot, Lapointe, and Anglehart all refer to enclosed Exhibits A and B, however, Exhibits are not enclosed with these declarations, but Exhibits A and B were enclosed with the 12/08/2003 declaration. Exhibits A and B submitted on 12/08/2003 will be considered with these 04/30/2004 declarations.

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5. The Declaration filed on 04/30/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Boger reference.

6. The Boger reference is a U.S. patent or U.S. patent application publication of a pending or patented application that claims the rejected invention. An affidavit or declaration is inappropriate under 37 CFR 1.131(a) when the reference is claiming the same patentable invention, see MPEP § 2306. If the reference and this application are not commonly owned, the reference can only be overcome by establishing priority of invention through interference proceedings. See MPEP Chapter 2300 for information on initiating interference proceedings. If the reference and this application are commonly owned, the patent may be disqualified as prior art by an affidavit or declaration under 37 CFR 1.130. See MPEP § 718.

Applicants arguments concerning Boger's claimed invention and applicants claimed invention have been considered. Contrary to applicants position Boger's object of the invention allows a user to select a portion of the main display to be presented to the user in zoomed form on a zooming display. See column 2 lines 1-5 where Boger discusses allowing the user view portions of the video in detail. Boger at column 6 lines 21-63 describes the user selecting a portion of the main display for viewing in a zoomed format on total display area of a display device. Boger's dependent claim 8 claims a selector for selecting a portion of the video data for magnification which is claiming the step of having the user select the portion of the display to be zoomed. Boger's dependent claim 11 claims the user selected portion is manipulated by the user to different areas of the display. Therefore, Boger clearly claims the argued limitations

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found at page 6 lines 3-14. Boger teaches the argued limitations found at page 6 lines 15-18 since Boger's user defined area does not exclude non-integer fractional portions of the displayed image, therefore, it includes both integer and non-integer fractional portions. Boger's claimed invention includes steps 1-6 addressed by applicant at pages 4-5.

7. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Boger reference.

The evidence in Exhibits A and B do not teach the claimed invention. The evidence in Exhibits A and B is a very general description of the Matrox G400 and G400MAX highlighting at a very high level certain features of these graphics boards and this evidence does not describe any details of how these features are implemented and do not describe much of the details in claims 1-33.

Claims 1-20 and 28-30:

The claimed invention as defined by independent claim 1 is a method of controlling a display controller system comprising the following steps:

- allowing a user input to define the coordinates of a frame portion within the main surface in the frame buffer memory;

- determining a resolution of a zoom display or displays;

- adjusting an aspect ratio of the portion defined by the user input to correspond to the resolution;

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programming the display controller system to implement display surface zoom;
scaling the portion of the of the main surface in the frame buffer memory;
converting the scaled portion into a display signal; and
outputting the display signal from the display controller system to the zoom
display or displays. It should be noted the claims claim display controller system to
differentiate the invention from a computer system that performs the same functions.
Thus, factual evidence of applicants reduction to practice must show the display
controller, rather than the computer system as a whole, performing the claimed steps.

The factual evidence present in Exhibits A and B do not establish controlling the
display controller system by the following steps:

allowing a user input to define the coordinates of a frame portion within the main
surface in the frame buffer memory;

determining a resolution of a zoom display or displays;

adjusting an aspect ratio of the portion defined by the user input to correspond to
the resolution; and

scaling the portion of the main surface in the frame buffer memory.

The factual evidence states zooming a user selected region but does not teach where it
is performed, thus, it does not teach the display controller system performing the
zooming. The factual evidence does not mention nor teach : determining a resolution
of a zoom display or displays and adjusting an aspect ratio of the portion defined by the
user input to correspond to the resolution. The factual evidence does not teach
dependent claims 2-20 and 28-30.

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Claims 21-27:

The claimed invention as defined by independent claim 21 is a method of controlling a display controller system comprising the following steps:

- allowing a user input to define the coordinates of a fractional portion of the main surface in the frame buffer memory;

- the fractional portion being a non-integer fraction of the main surface of the frame buffer memory;

- determining a resolution of a zoom display or displays;

- adjusting an aspect ratio of the portion defined by the user input to correspond to the resolution;

- programming the display controller system to implement display surface zoom;

- scaling the portion of the of the main surface in the frame buffer memory;

- converting the scaled portion into a display signal; and

- outputting the display signal from the display controller system to the zoom display or displays. It should be noted the claims claim display controller system to differentiate the invention from a computer system that performs the same functions.

Thus, factual evidence of applicants reduction to practice must show the display controller, rather than the computer system as a whole, performing the claimed steps.

The factual evidence present in Exhibits A and B do not establish controlling the display controller system by the following steps:

- allowing a user input to define the coordinates of a fractional portion of the main surface in the frame buffer memory;

the fractional portion being a non-integer fraction of the main surface of the frame buffer memory;

determining a resolution of a zoom display or displays;

adjusting an aspect ratio of the portion defined by the user input to correspond to the resolution; and

scaling the portion of the of the main surface in the frame buffer memory.

The factual evidence states zooming a user selected region but does not teach where it is performed, thus, it does not teach the display controller system performing the zooming. The factual evidence does not mention nor teach: the fractional portion being a non-integer fraction of the main surface of the frame buffer memory; determining a resolution of a zoom display or displays; and adjusting an aspect ratio of the portion defined by the user input to correspond to the resolution. The factual evidence does not teach dependent claims 22-27.

Drawings

8. The amendment to the paragraph at page 10 line 13 is not exactly correct because the first occurrence of figure 8 should be figure 7, see page 12 the 6/11/2003 response and figure 7. Note: the proposed after final amendment filed on 12/08/2003 proposed to correct this deficiency, however, this amendment has not been entered per applicants lack of instructions to enter this amendment.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection of claims 17 and 18 set forth in paper no. 22 under 35 USC 112 second paragraph is incorporated by reference. Note: the proposed after final amendment filed on 12/08/2003 proposed to correct the lack of antecedent basis of "said main display surface", however, this amendment has not been entered per applicants lack of instructions to enter this amendment.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Boger, U.S. Patent No. 6,515,678. The rejection of claims 1-33 set forth in paper no. 22 at pages 5-17 under 35 USC 102 is incorporated by reference.

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13. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is 703-305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffery A Brier
Primary Examiner
Art Unit 2672